

Chapter 86

TRAFFIC AND VEHICLES

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ARTICLE I. IN GENERAL

Sec. 86-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alley means minor ways which are used primarily for vehicular service access to the back or the side or properties otherwise abutting on a street.

Ambulance means any privately owned vehicle equipped or used for transporting the wounded, injured or such.

Authorized emergency vehicle means vehicles of the fire department, police department, and such vehicles of municipal departments, public service corporations or other organizations which are designated or authorized as emergency vehicles by the Chief of Police.

Barricade means every barrier, obstruction or block placed upon or across any road, street or highway of this city by an authorized person for the purpose of preventing the passing of motor vehicles over such street, road or highway during a period of construction or repair to said street, road, or highway.

Commercial vehicle means every truck and every private vehicle with the name of the firm represented inscribed or painted on the front door on both sides in letters at least two inches high in contrasting colors to that of the vehicle which is maintained or used primarily for the transportation of property.

Controlled access highway means every highway, street, or roadway in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway.

Crosswalk means that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or in the absence of curbs from the edges of the traversable roadway. Crosswalk also includes within the meaning of this chapter any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Driver means every person who drives or is in actual physical control of a vehicle.

Driveway means entrances to and exits from private premises where it is possible to park completely off the street, and which are not open for vehicular traffic except by permission of the owner of such private premises.

Intersection means:

- (1) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area which vehicles traveling upon different highways at any angle may come in conflict.
- (2) Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways on such highways shall be regarded as a separate intersection.
- (3) The junction of an alley with a street or highway shall not constitute an intersection.

Laned roadway means a roadway which is divided into two or more clearly marked lanes for vehicular traffic.

Motor vehicle means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.

Motorcycle means every motor vehicle having a saddle for the use of the rider and designed to travel with not more than three wheels in contact with the ground, but excluding a tractor.

Owner means a person who holds the legal title of a vehicle. In the event a vehicle is the subject of an agreement for the conditional sale or lease with an option to purchase, and with an immediate right of possession vested in the conditional vendor or lessee, such conditional vendor or lessee shall be deemed the owner for the purpose of this chapter.

Pedestrian means any person afoot.

Person means every natural person, firm, co-partnership, association, or corporation.

Pole trailer means every vehicle with or without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

Police officer means every officer authorized to direct or regulate traffic or to make arrest for violations of traffic regulations.

Private road means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.

Red flashing emergency light means any lamp mounted on an authorized emergency vehicle or ambulance which displays a red, flashing light, visible under normal atmospheric conditions from a distance of 500 feet from such vehicle.

Roadway means that portion of a street or highway improved, designed, or ordinarily used for vehicular travel. In the event a highway includes two or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

School bus means every motor vehicle owned by any private, public, or governmental agency and operated for the transportation of children and with identification requirements set forth in the standards produced and sponsored by the National Committee on Safety Education of the National Education Association, Washington, D.C., but not including buses operated by common carriers.

School crossing zone means that portion of any street or public property or way within or without any school zone which the traffic engineer may designate for the crossing of those attending a school or other institution of learning.

School or other institution of learning means any private or public organization giving regular instruction and having an average daily attendance of 50 students or more.

School zone means each and every street and all public property or ways within 500 feet of the boundaries of any school or other institution of learning.

Semi-trailer means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Sidewalk means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.

Street or highway means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purpose of vehicular traffic.

Through highway means every street or highway or portion thereof at entrances to which vehicular traffic from the intersecting streets or highways is required by law to either stop or yield the right-of-way before entering or crossing.

Traffic control device means any electric traffic control signals, stop signs, yield right-of-way signs and any other such device designed and used to control the movement of traffic.

Trailer means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

Truck means every motor vehicle, inclusive of any towed vehicle, designed, used or maintained primarily for the transportation of property with a manufacturer rated carrying or towing capacity of 10,000 pounds or more.

Truck tractor means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

Vehicle means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks.

Warning sign means every sign, signal, marking and device erected or placed upon any street, road, highway or barricade, or erected or placed upon any street, road or highway within the city which is under construction or being repaired, for the purpose of regulating, warning or guiding traffic or otherwise stating the conditions under which traffic by motor vehicle may be had upon such street, road or highway. A warning sign shall include, but shall not be limited, to a flagon placed upon any street, road or highway for the purpose of directing traffic around or upon such street, road or highway as is under construction or in the process of being repaired.

(Ord. No. 258, §2 (A), 8-12-2004; Ord. No. 538, §1, 9-11-2014)

Sec. 86-2. Existing devices ratified.

All traffic-control signs, signals, devices, and markings heretofore placed or erected by State, Bexar County, or municipal officials or employees and now in use for the purposes of regulating, warning, or guiding traffic are affirmed, ratified, and confirmed to be official traffic-control devices; provided, however, that such traffic-control devices are not inconsistent with the provisions of State Law or this Chapter. (Ord. No. 538, §1, 9-11-2014)

Sec. 86-3. Required obedience to traffic regulations.

It is unlawful for any person to do any act forbidden or to fail to perform any act required by this Chapter. Further, all persons and operators of any vehicles of any type must obey the instructions of any official traffic-control device, sign, signal, or marking applicable thereto, placed in accordance with this Chapter, unless otherwise directed by emergency services or public works personnel. (Ord. No. 538, §1, 9-11-2014)

Sec. 86-4. Penalty.

Each violation of this Chapter shall be punished by a penalty of a fine of not less than \$25.00 and not to exceed the amount established by State Law. (Ord. No. 258, § 3, 8-12-2004; Ord. No. 538, §1, 9-11-2014)

Sec. 86-5. Authority of police officers, fire department officials, and public works personnel.

- (a) Enforcement of traffic regulations; authority to direct traffic.
 - (1) It shall be the duty of the officers of the Police Department, or such officers as are assigned by the Chief of Police, to enforce all of the traffic provisions of this Code and all of the State vehicle and traffic laws applicable to street traffic in this City.
 - (2) In the event of a fire or other emergency, or to expedite traffic, or to safeguard pedestrians, officers of the Police Department, or such officers as are assigned by the Chief of Police, are hereby authorized to direct all traffic by voice, hand or signal in conformance with the provisions of the traffic laws.
 - (3) Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic there at or in the immediate vicinity.
 - (4) Public Works personnel, during right-of-way maintenance or construction, may direct or assist the police in directing traffic there at or in the immediate vicinity.
- (b) Obedience to police officers, fire department officials, and public works personnel. No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer, fire department official, or public works employee.

(Ord. No. 258, § 2(B), 8-12-2004; Ord. No. 538, §1, 9-11-2014)

Sec. 86-6. Trucks depositing materials on streets; through truck traffic.

- (a) *Trucks depositing materials on streets.* It shall be unlawful for any person operating a truck of any kind within the City on or over any of its public streets, roads, or other rights-of-way to cause or permit any substance loaded thereon or therein, such as gravel, dirt, rock, cement, ash, brush, grass, hay, garbage, trash, lumber, scrap, or debris of any kind, to be deposited on such public street, road or right-of-way from such truck, or to drop such material therefrom, for any reason whatever.
- (b) *No through truck traffic.* Through truck traffic is defined for the purposes of this chapter as the driving or entry of a truck onto any street (except State Highway 16, Leslie Road, and FM 1560) at any point, the proceeding of such truck upon and along any street and the leaving of any street by such truck at any point, unless the person driving or operating such truck has occasion to and does bring such truck for the purpose of rendering a service at such point, place or location in connection with the business for which said truck is used.

(Ord. No. 258, §2 (O), 8-12-2004; Ord. No. 538, §1, 9-11-2014)

Sec. 86-7. Restrictions as to tire equipment.

- (a) Every solid rubber tire on a vehicle shall have rubber on its entire traction surface extending above the edge of the flange of the entire periphery.
- (b) No person shall operate or move on any highway any motor vehicle, trailer, or semi-trailer having any metal tire in contact with the roadway.
- (c) No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat, or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it shall be permissible to use tires having protuberances which will not injure the highway, and except also that it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because snow, ice, or other conditions tending to cause a vehicle to skid.

- (d) The city may in its discretion issue a special permit authorizing the operation upon a city street of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a city street would otherwise be prohibited.

(Ord. No. 258, §2 (P), 8-12-2004; Ord. No. 538, §1, 9-11-2014)

Secs. 86-8 - 86-10. Reserved.

ARTICLE II. VEHICLE OPERATION

Sec. 86-11. Speed limits on streets and highways.

- (a) *General maximum speed limits for city streets.* Unless expressly designated otherwise by this Code, within all intersections and on all public streets within the City, thirty (30) miles per hour shall be the prima facie maximum speed limit, and any speed in excess thereof shall be prima facie evidence that such speed is not reasonable or prudent and that it is unlawful.
- (b) *Speed limits for alleys and easements.* Within any alley, utility easement, or other public easement within the City, fifteen (15) miles per hour shall be the prima facie maximum speed limit, and any speed in excess thereof shall be prima facie evidence that such speed is not reasonable or prudent and that it is unlawful.
- (c) *Speed limit – Twenty miles per hour.* On the hereinafter designated streets, or portions thereof, twenty (20) miles per hour shall be the prima facie maximum speed limit, and any speed in excess thereof shall be prima facie evidence that such speed is not reasonable or prudent and that it is unlawful. Such streets, or portions thereof, being more particularly described:

<u>Street</u>	<u>Extent</u>
Burnt Sienna	both sides, entire length
Burnt Umber	both sides, entire length
Drought Pass	both sides, entire length
Ghost Bridge	both sides, entire length
Paynes Gray	both sides, from its intersection with Burnt Sienna to approximately four hundred seventy five feet (475') past its intersection with Raw Sienna
Peach Crossing	both sides, entire length
Raw Sienna	both sides, entire length
Shotgun Way	both sides, entire length
Viridian Place	both sides, entire length
Wasp Creek	both sides, entire length

- (d) *Speed limit – Twenty-five miles per hour.* On the hereinafter designated streets, or portions thereof, twenty-five (25) miles per hour shall be the prima facie maximum speed limit, and any speed in excess thereof shall be prima facie evidence that such speed is not reasonable or prudent and that it is unlawful. Such streets, or portions thereof, being more particularly described:

<u>Street</u>	<u>Extent</u>
Antonio Drive	both sides, 600' from the intersection with Old Bandera Road
Ashwell	both sides, entire length
Bitterroot	both sides, entire length
Canyon River	both sides, entire length
Five Brooks	both sides, entire length
Floore Drive	both sides, entire length between Old Bandera Road and State Highway 16 (Bandera Road)

<u>Street</u>	<u>Extent</u>
Flying Horse	both sides, entire length
Iron Spring	both sides, entire length
Mystic Saddle	both sides, entire length
Old Bandera Road	both sides, entire length between its north and south end intersections with State Highway 16 (Bandera Road)
Rainbow View	both sides, entire length
Red Tail	both sides, entire length
Riggs Road	both sides, 2000 linear feet from its intersection with Old Bandera Road and south bound direction toward F.M. 1560
Ribbon Ridge	both sides, entire length
Scenic Loop	both sides, between Old Bandera Road and State Highway 16 (Bandera Road)
Spirit Horse	both sides, entire length
Spotted Horse	both sides, entire length
Spring Run	both sides, entire length
Walking Horse	both sides, entire length
Wildheart	both sides, entire length
Wind Ridge	both sides, entire length
Wind Walker	both sides, entire length

- (e) *Speed limit – Thirty-five miles per hour.* On the hereinafter designated streets, or portions thereof, thirty-five (35) miles per hour shall be the prima facie maximum speed limit, and any speed in excess thereof shall be prima facie evidence that such speed is not reasonable or prudent and that it is unlawful. Such streets, or portions thereof, being more particularly described:

<u>Street</u>	<u>Extent</u>
Iron Horse Way	both sides, Antonio Drive to the intersection with Walking Horse
Paynes Gray	both sides, from F.M. 1560 to approximately four hundred seventy five feet (475') before its intersection with Raw Sienna.

- (f) *Speed limit – Forty miles per hour.* On the hereinafter designated streets, or portions thereof, forty (40) miles per hour shall be the prima facie maximum speed limit, and any speed in excess thereof shall be prima facie evidence that such speed is not reasonable or prudent and that it is unlawful. Such streets, or portions thereof, being more particularly described:

<u>Street</u>	<u>Extent</u>
Braun Road	both sides, approximately seven thousand seven hundred seventeen feet (7,717') from its intersection with F.M. 1560 to its intersection with Leslie Road.
F.M. 1560	both sides, from State Highway (SH) 16 to approximately three hundred feet (300') south of Parrigin Road. (M.P. 3.372 to M.P. 2.589)
F.M. 1560	both sides, from State Highway (SH) 16 to the Helotes north corporate (Hausman Road) City limits.
Galm Road	both sides, approximately five thousand three hundred seventy feet (5,370') west from its intersection with F.M. 1560 to its intersection with Silver Bells Road.
Scenic Loop Road	both sides, from State Highway (SH) 16 to Whip O Will, the Helotes corporate city

<u>Street</u>	<u>Extent</u>
Shaenfield Road	both sides, approximately seven thousand four hundred sixteen feet (7,416') from its intersection with F.M. 1560 to the northwest line of the City of San Antonio corporate limits.

- (g) *Speed limit – Forty-five miles per hour.* On the hereinafter designated streets, or portions thereof, forty- five (45) miles per hour shall be the prima facie maximum speed limit, and any speed in excess thereof shall be prima facie evidence that such speed is not reasonable or prudent and that it is unlawful. Such streets, or portions thereof, being more particularly described:

<u>Street</u>	<u>Extent</u>
F.M. 1560	both sides, from approximately three hundred feet (300') south of Parrigin Road to the south City of Helotes corporate limits at the intersection of F.M. 1560 and Shaenfield and Galm Roads.
S. H. 16	north side, from approximately four thousand three hundred three feet (4303') north of F.M. 1560 (Hausman Rd.) to approximately two thousand three hundred sixty-five feet (2365') south of Hausman Rd. (south Helotes corporate city limits).
S. H. 16	south side, from approximately four thousand three hundred three feet (4303') north of Leslie Rd. to approximately two thousand three hundred sixty-five feet (2365') south of Leslie Rd. (south Helotes corporate city limits).

- (h) *Speed limit – Fifty-five miles per hour.* On the hereinafter designated streets, or portions thereof, fifty- five (55) miles per hour shall be the prima facie maximum speed limit, and any speed in excess thereof shall be prima facie evidence that such speed is not reasonable or prudent and that it is unlawful. Such streets, or portions thereof, being more particularly described:

<u>Street</u>	<u>Extent</u>
S. H. 16	north side, from approximately four thousand three hundred three feet (4303') north of F.M. 1560 (Hausman Rd.) one thousand six hundred forty- seven feet (1,647') south of Huron Peak.
S. H. 16	south side, from approximately four thousand three hundred three feet (4303') north of Leslie Rd. to one thousand six hundred forty-seven feet (1,647') south of Huron Peak.

- (i) *Speed limit – Sixty-five miles per hour.* On the hereinafter designated streets, or portions thereof, sixty- five (65) miles per hour shall be the prima facie maximum speed limit, and any speed in excess thereof shall be prima facie evidence that such speed is not reasonable or prudent and that it is unlawful. Such streets, or portions thereof, being more particularly described:

<u>Street</u>	<u>Extent</u>
S. H. 16	north side, from the north corporate City limits to one thousand six hundred forty-seven feet (1,647') south of Huron Peak.
S. H. 16	south side, from the north corporate City limits to one thousand six hundred forty-seven feet (1,647') south of Huron Peak.

(Ord. No. 91B, §1, 9-28-1995; Ord. No. 258, §2(C), 8-12-2004; Ord. No. 356, §2, 04-24-2008; Ord. No. 358, §2, 06-12-2008; Ord. No. 366, §2, 9-11-2008; Ord. No. 389, §1, 1-8-2009; Ord. No. 395, §1, 2-26-2009; Ord. No. 412, §2, 8-27-2009; Ord. No. 413, §1, 9-24-2009; Ord. No. 515, §1, 01-23-2014; Ord. No. 538, §2, 9-11-2014; Ord. No. 583, §1, 1-14-2016)

Sec. 86-12. Prima facie maximum speed limit - school zones; school crossing zones; duties of driver approaching stopped school bus.

- (a) The prima facie maximum speed limit for operation of motor vehicles in school zones as defined herein shall be twenty (20) miles per hour, and any speed in excess thereof shall be prima facie evidence that such speed is not reasonable or prudent and that it is unlawful.
- (b) For the purposes of this section, "school zone" shall be defined to mean any of the hereinafter designated areas on all official school days between the hours of 6:00 a.m. to 7:00 p.m. when so designated. The designation of the effective time will be shown by use of flashing amber lights or supplemental signs with the effective time periods posted. At all other times, the otherwise established prima facie maximum speed limits will be applicable. Designated areas for the purpose of this section shall mean:

<u>Street</u>	<u>Extent</u>	<u>Designated Times</u>
Leslie Road	S.H. 16 (Bandera Road) to 1,000 feet past the intersection with O'Connor HS Drive.	7:00 a.m. to 9:30 a.m. and 2:00 p.m. to 5:00 p.m.
Riggs Road	13700 block and 13800 block	7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m.
Shaenfield Road	Canter Horse to Cavern Hill, approximately one thousand six hundred eighty seven feet (1,687')	7:00 a.m. to 9:30 a.m. and 2:00 p.m. to 5:00 p.m.

- (c) School crossing zones.
 - (1) *Definition.* School crossing zones are that portion of any street or public way within or without a school zone in the city which the police department, based upon a traffic and engineering survey, has so designated and so marked by painted lines, as prescribed by the state highway department.
 - (2) *Driving in school crossing zone.* It shall be unlawful for any person to drive or operate a motor vehicle or other vehicle into or through any school crossing zone at a time when there is a pedestrian or pedestrians within the same on any school day (regular, special, or summer) between the hours stated above in this section.
- (d) Authority of school crossing guards. It shall be unlawful for the driver of any motor vehicle or other vehicle to fail to stop when ordered to do so by a school crossing guard on duty on a school day between the hours of 7:00 a.m. and 5:00 p.m. School crossing guards shall have no powers to arrest but shall take the license number of any motorist who shall fail to obey their signals to stop or start their vehicles in or near any school crossing zone at the times set out above and report same to the police department.
- (e) *Duties of driver approaching stopped school bus.* The driver of a vehicle upon any street, highway, or public way anywhere within the City, upon meeting or overtaking from either direction any school bus which has stopped on said street or highway for the purpose of receiving or discharging any school children with its visual signals in operation, as required by state law, shall stop the vehicle before reaching such school bus and said driver shall not proceed until such school bus resumes motion or is signaled by the school bus driver to proceed or the visual signals are no longer activated.

(Ord. No. 258, §2(D), 8-12-2004; Ord. No. 389, §1, 1-8-2009; Ord. No. 538, §3, 9-11-2014)

Sec. 86-13. No passing zones.

It shall be unlawful for any motorist to overtake any other vehicle or drive to the left of the center of any roadway on all residential streets. (Ord. No. 258, §2(E), 8-12-2004; Ord. No. 389, §1, 1-8-2009)

Sec. 86-14. Negligent collision.

- (a) *Offense defined.* If any person driving or operating or in charge of any motor vehicle shall by negligence cause or suffer or permit the same to come in collision with any other vehicle of any nature whatever, or with any animal, person, street sign, street posts, water plug, mail box, or any other obstacle or object whatever in or on any public street, avenue, highway or any public place whatever in the city, such person shall be deemed guilty of the offense of negligent collision.

- (b) *Definitions.* As used in this section:

Negligence means the want of such care and caution as a person of ordinary prudence would use under like circumstances.

Public means where people are assembled or to which people commonly resort for the purpose of business, amusement, recreation or other lawful purpose.

(Ord. No. 258, §2 (F), 8-12-2004; Ord. No. 389, §1, 1-8-2009)

Sec. 86-15. Avoiding traffic control signal; u-turns.

- (a) *Avoiding traffic control signal.* At the intersection of any streets at which vehicular traffic is controlled by an authorized traffic control device, it shall be unlawful for any person to drive any vehicle across the sidewalk area or across private property at such intersection to avoid complying with such traffic control device.
- (b) *Turns.* Whenever authorized signs are erected indicating that no right- or left- or U-turn is permitted, no motor vehicle operator shall disobey the direction of any such sign
- (c) Emergency vehicles are excluded from the provisions and requirements of Sec. 86-15.

(Ord. No. 258, §2(G), 8-12-2004; Ord. No. 389, §1, 1-8-2009; Ord. No. 487, §1, 10-25-2012, Ord. No. 538, §4, 9-11-2014)

Sec. 86-16. Stop signs.

- (a) *Offense defined.* It shall be unlawful for any person to drive a vehicle upon any of the streets hereinafter designated as "stop sign streets," and onto or across the intersection of any such street and any street hereinafter designated as a "through street" without first bringing such vehicle to a full stop upon such stop sign street within ten feet of the near curb line before entering such through street. Thereafter, such driver shall proceed in a cautious manner, yielding the right-of-way to vehicles not so obligated to stop which are within the intersection or are approaching so closely thereto as to constitute an immediate hazard, and then may proceed.
- (b) *Full stop locations.* The following streets are designated as through streets at the intersection mentioned or referred to, and all streets designated as stop sign streets where posted:

THROUGH STREET

Antonio Drive
Aqua Valley
Aqua Valley
Bar X Trail

STOP SIGN STREET

Marin Hollow Road (applies to both intersections)
Lupine Meadow
Tascate
Double Spur Trail

THROUGH STREET

Bar X Trail
Bar X Trail
Bar X Trail
Bar X Trail
Baxtershire
Baxtershire
Beverly Hills
Beverly Hills
Bitter Root
Black Horse
Black Horse
Black Horse
Burnt Sienna
Camino Venado
Canyon River
Canyon River
Canyon River
Cedar Point
Cedar Point
Cedar Point
Cedar Point
Cedar Point
Cedar Point
Cedar Point
Cedar Point
Cedar Point
Cedar Point
Cedar Point
Cedar Point
Cedar Point
Cedar Trail
Cedar Trail
Cedar Trail
Circle A Trail
Circle A Trail
Circle A Trail
Circle A Trail
Circle A Trail
Circle A Trail
Circle A Trail
Circle A Trail
Circle A Trail
Circle N Drive East
Circle N Drive West
Diamond K Trail
Doheny
Doheny
Double Spur Trail
Drought Pass
Five Brooks
F.M. 1560
F.M. 1560
F.M. 1560

STOP SIGN STREET

Rocking M Trail
Laurel Leaf Trail
Bar D Trail
Rafters S Trail
Malibu
Moorway
Doheny (applies to both intersections)
Malibu (applies to both intersections)
Five Brooks
Ashwell
Bitter Root
Five Brooks (applies to both intersections)
Burnt Umber
Oak Hollow
Lost Horse
Mystic Saddle (applies to both intersections)
Red Tail
Amber Dawn
Bridge Cedar
Green Cedar
Llano Verde (applies to both intersections)
Majestic Cedar
New Cedar
Paintbrush
Perfect Cedar
Red Clay
Straight Cedar
Strong Cedar
Grand Cedar
Camino Venado
Wasp Creek
Bar X Trail
Double Spur Trail
Circle C Trail
Circle E Trail
Flying W Trail
Lazy F Trail
Lazy J Trail
Rafters O Trail
Rocking M Trail
Circle S Drive
Circle S Drive
Bar X Trail
Sunset Blvd
Baxtershire
Star Cross Trail
Peach Crossing
Wild Heart
Alta Loma
Antonio Drive
Beverly Hills

THROUGH STREET

F.M. 1560
F.M. 1560
F.M. 1560
F.M. 1560
F.M. 1560
F.M. 1560
F.M. 1560
F.M. 1560
F.M. 1560
Grand Cedar
Grand Cedar
Hollow Ridge
Hunters Way
Iron Horse Way
Iron Horse Way
Iron Horse Way
Iron Horse Way
Iron Horse Way
Iron Horse Way
Iron Horse Way
Iron Spring
Lazy J Trail
Leslie Road
Marnoch
Moorway
Old Bandera Road
Old Bandera Road
Old Bandera Road
Old Bandera Road Crossover to SH 16
Paloma Drive
Paloma Drive
Paloma Drive
Paloma Drive
Paloma Drive
Parrigin Road
Parrigin Road
Parrigin Road
Paynes Gray
Rafter S Trail
Rafter S Trail
Rafter S Trail
Rafter S Trail
Rafter S Trail
Raw Sienna
Scenic Loop Crossover to SH 16
Scenic Loop Road
Scenic Loop Road
Scenic Loop Road
Seven L Trail
Spirit Horse

STOP SIGN STREET

Circle N Drive East
Circle N Drive West
City Hall Drive
Doheny
Hunters Way
Parrigin Road
Paynes Gray
Riggs
Saltillo Flats
Wynstone Place
Happy Cedar
Holly Cedar
Hunters Oak
Hunters Break
Black Horse
Flying Horse
Lost Horse
Panther Valley
Spirit Horse
Spotted Horse
Walking Horse
Spring Run
Circle J Trail
Business Parkway
Cash Mountain Road
Wickwilde
Scenic Loop
Floore Drive
Antonio Drive
Old Bandera Road
Baxtershire
Beverly Hills
Sunset Boulevard
Sunset Ranch
Wickwilde
Stagecoach
Mesquite Flat
Indian Trail
Raw Sienna
Seven L Trail
Star Cross
Cross XD Trail
Circle A Trail
Marnoch
Burnt Umber
Scenic Loop Road
Marnoch
Old Scenic Loop Road
Tower View
Lazy J Trail
Ribbon Ridge

THROUGH STREET

Spotted Horse
 Spotted Horse
 State Highway 16
 State Highway 16 (North)
 State Highway 16 (South)
 Sunset Boulevard
 Sunset Boulevard
 Viridian Place
 Wasp Creek
 Wind Ridge

STOP SIGN STREET

Rainbow View
 Wind Walker
 Diamond K Trail
 Floore Drive
 Floore Drive
 Malibu (applies to both intersections)
 Paloma Drive
 Sunset Woods Rd.
 Peach Crossing
 Flying Horse

Three-way intersections (both directions of the intersection are stop intersections):

STREET AND

Drought Pass
 F.M. 1560
 Shotgun Way

INTERSECTING STREET

Ghost Bridge
 Iron Horse Way
 Ghost Bridge

Four-way intersections (both directions of the intersection are stop intersections):

STREET AND

Aqua Verde
 Cedar Point
 Cedar Point
 Cedar Point
 Cedar Trail
 Iron Horse Way
 Leslie Road
 Peach Crossing
 Spring Run

INTERSECTING STREET

Aqua Valley
 Cedar Trail
 Gray Sage
 Paint Brush
 Camino Venado (9300 Blk)
 Antonio Drive
 Rainbow Ridge Road
 Ghost Bridge
 Walking Horse

(Ord. No. 258, §2(H), 8-12-2004; Ord. No. 258A, §1&2, 04-27-2006; Ord. No. 389, §1, 1-8-2009; Ord. No. 426, §1, 03-11-2010; Ord. No. 473, §1, 7-26-2012; Ord. No. 496, §1, 02-28-2013; Ord. No. 583, 1-14-2016)

Sec. 86-17. Yield signs.

- (a) *Offense defined.* It shall be unlawful for any person to drive a vehicle upon any of the streets hereinafter designated as a "yield sign street" and onto or across the intersection of any such street, and any street hereafter designated as a "through street," without first slowing down and yielding the right-of-way to traffic on such through street. Thereafter, such driver shall proceed in a cautious manner, yielding the right-of-way to vehicles not so obliged to yield which are within the intersection or approaching so closely thereto as to constitute an immediate hazard, and then may proceed.

- (b) *Yield streets designated.* The following streets designated as through streets at the intersections mentioned or referred to, or form a junction with streets that are designated as yield sign streets:

THROUGH STREETS

YIELD SIGN STREETS

F.M. 1560

Iron Horse Way

F.M. 1560

Riggs Road

F.M. 1560

Circle A Trail

Parrigin Road

Javalin Trail

State Highway 16

Farm to Market Road 1560

State Highway 16

Old Bandera Road

- (c) *Yield signs on State Highway 16 median.* All median crossovers on State Highway 16 within the city limits are hereby designated as "yield sign streets" and both the northbound and southbound lanes of State Highway 16 are hereby designated as "through streets," as such terms are defined in subsection (a) of this section.

(Ord. No. 258, §2(I), 8-12-2004; Ord. 258A, §3, 04-28-2006; Ord. No. 389, §1, 1-8-2009; Ord. No. 426 §1, 03-11-2010)

Sec. 86-18. Short-cutting across public or private property; driving on certain public property prohibited.

- (a) *Short-cutting.* It shall be unlawful for the operator of any motor vehicle or automobile, motor scooter, motorcycle, motor truck, carriage, wagon, bicycle or vehicle whatever to cut across or drive across or traverse any private or public property, sidewalk, driveway, median, parkway, or easement whatever (other than a public street, road, alley or other public vehicular right-of-way) in order to short-cut an intersection or side street or in order to proceed across such private property or public property from one public street, road or vehicular way, to the same public street, road, or vehicular way, or to another.
- (b) *Driving on certain public property prohibited.* It shall be unlawful for the operator of any motor vehicle, automobile, motorcycle, motor scooter, motor truck, or motorized conveyance whatever to drive across or on any part of any public park, bicycle trail, pathway, hiking trail or the like. Motorists and operators of such motor vehicles of any kind may only drive same into public parks or other public lands provided with streets or other rights-of-way improved for motor traffic use and may drive such vehicles only on such streets.

(Ord. No. 258, §2 (J), 8-12-2004; Ord. No. 389, §1, 1-8-2009)

Sec. 86-19. One-way streets.

- (a) *Offense defined.* Upon those streets and parts of streets enumerated below, vehicular traffic shall move only in the direction indicated where signs indicating the direction of traffic are erected and maintained at every intersection.

STREET

EXTENT

DIRECTION

State Highway 16 Northbound Lane

Southern boundary of city limits
to Northern boundary of city limits

Northbound

State Highway 16 Southbound Lane

Northern boundary of city limits
to Southern boundary of city limits

Southbound

- (b) *"One-way" signs adopted.* All one-way traffic control devices situated at each intersection designated above, bearing or including the word "one-way" along the street upon which a sign is situated, are hereby established as and declared to be and adopted as lawful and official traffic

control devices requiring and giving notice to the drivers of all vehicles to conform to the provisions of this chapter.

(Ord. No. 258, §2 (K), 8-12-2004; Ord. No. 389, §1, 1-8-2009)

Sec. 86-20. Use of hand-held communication devices prohibited in school zones.

- (a) For purposes of this section, the following definitions apply:
 - (1) *Engaging in a call* shall mean talking into, dialing, or listening on a hand-held mobile telephone, and entering or reading text messages.
 - (2) *Hands-free mobile telephone* shall mean a mobile telephone that has an internal feature or function, or that is equipped with an attachment or addition, whether or not permanently part of such mobile telephone, by which a user engages in a call without the use of either hand (or prosthetic device or aid in the case of a physically disabled person), whether or not the use of either hand (or prosthetic device) is necessary to activate, deactivate, or initiate a function of such telephone.
 - (3) *Hand-held communications device* shall mean a mobile telephone, personal digital assistant (PDA), pager, or other device by which the user communicates to another, or receives communications from another, by means of aural (voice) communications, text entry, text receipt, or any other means of electronically transferred data.
 - (4) *Hand-held mobile telephone* shall mean a mobile telephone with which a user engages in a call using at least one hand (or prosthetic device or aid in the case of a physically disabled person).
 - (5) *Immediate proximity* shall mean that distance as permits the operator of a mobile telephone to hear telecommunications transmitted over such mobile telephone, but shall not require physical contact with such operator's ear.
 - (6) *Mobile telephone* shall mean the device used by subscribers and other users of wireless telephone service to access such service and shall include personal digital assistants.
 - (7) *Personal Digital Assistant* shall mean a device operated using a wireless telecommunications service that provides for data communication other than by voice.
 - (8) *Wireless telephone service* shall mean two-way, real time voice telecommunications service that is interconnected to a public switched telephone network and commonly referred to as cellular service or personal communication service.
- (b) Except as otherwise provided below, it shall be unlawful for a person to drive or operate a moving motor vehicle in a school zone on days when school is in session, during the hours when school zones are in effect, when school zone signs and signs prohibiting hand-held communications device use are posted, and while using a hand-held communications device to engage in a call or to create, send, or read messages.
- (c) An operator of a motor vehicle who holds a hand-held communications device to, or in the immediate proximity of his or her ear while such vehicle is in motion is presumed to be engaging in a call within the meaning of this section.
- (d) Subsection (b) shall not apply to:
 - (1) The use of any communications device for the sole purpose of communicating with any of the following regarding an emergency situation: an emergency response operator; a hospital; a physician's office or health clinic; the City's police or fire department.

- (2) Any law enforcement, public safety or police officer; emergency service officials; first aid, emergency medical technicians, and personnel; or any fire safety officials in performance of duties arising out of an in the course of their employment as such.
- (3) The use of a hands-free mobile telephone when being used in a hands-free manner.
- (e) A violation of this order is a strict liability offense.

(Ord. No. 374, §2, 9-25-2008; Ord. No. 389, §1, 1-8-2009)

Sec. 86-21. Use of certain wireless communication devices while driving prohibited.

- (a) *Definitions.* For the purposes of this section:
 - (1) *Electronic message* means a self-contained piece of digital communication that is designed or intended to be transmitted to or from a wireless communication device. An electronic message includes, but is not limited to, a text-based communication, such as electronic mail, a text message, or an instant message, or a command or request to access an internet site, or other data that uses a commonly recognized electronic communication protocol.
 - (2) *Wireless communication device* means a device that uses a commercial mobile service, as defined by 47 U.S.C. § 332.
 - (3) Terms not expressly defined in this Section shall have the meaning ascribed by Section 86-20 (a)(1-8) as necessary for interpretation and the application hereof.
- (b) *Offense.* A person commits an offense if the person drives or operates a motor vehicle in the City while using a wireless communication device to view, send, or compose an electronic message.
- (c) *Affirmative defenses.* Except where the wireless communication device is used in a school zone in the manner prohibited by Section 86-20 (b) of this Chapter, it is an affirmative defense to prosecution of the conduct prohibited by subsection (b) hereof if:
 - (1) The person is using the wireless communication device strictly to engage in a telephone conversation, including dialing or deactivating a phone call;
 - (2) The person is an authorized government vehicle and is using the wireless communication device to respond to an emergency while acting in an official capacity;
 - (3) The person is using the wireless communication device while stopped or standing at a position parallel to and as close as possible to the right-hand edge or curb of a roadway or within a designated parking facility where parking, standing, or stopping in a nonemergency situation is not otherwise prohibited; or
 - (4) The person is using the wireless communication device to:
 - a. Obtain emergency assistance to report a traffic accident, medical emergency, serious traffic hazard, fire or other hazardous response service;
 - b. Communicate with the reasonable belief that a person's life, safety, or property is in immediate danger; or
 - c. Operate a device that is permanently installed inside the vehicle that is used solely in a voice-activated or other hands-free mode.
- (5) A violation of this section is a strict liability offense.
- (d) *Conflicting regulations.* To the extent that any clause, phrase, provision, sentence, or part of this section conflicts with Texas Transportation Code §545.424 regarding the use of wireless

communication devices while operating a motor vehicle by minors; or Texas Transportation Code §545.425 regarding the use of wireless communication devices in school crossing zones, the Transportation Code Section shall apply to the extent of such conflict.

(Ord. No. 443, §3, 02-10-2011; Ord. No. 465, 04-12-2012)

Sec. 86-22. Vulnerable Road Users.

- (a) In this Section, a *Vulnerable Road User* means:
 - (1) A pedestrian, including a runner, physically disabled person, child, skater, highway construction or maintenance worker, tow truck operator, utility worker, other worker with legitimate business in or near the road or right-of-way, or stranded motorist or passenger;
 - (2) A person on horseback;
 - (3) A person operating equipment other than a motor vehicle, including, but not limited to, a bicycle, handcycle, horse-driven conveyance, or unprotected farm equipment; or
 - (4) A person operating a motorcycle, moped, motor-driven cycle, or motor-assisted scooter.
- (b) An operator of a motor vehicle passing a vulnerable road user operating on a highway or street shall:
 - (1) Vacate the lane in which the vulnerable road user is located if the highway has two or more marked lanes running in the same direction; or
 - (2) Pass the vulnerable road user at a safe distance.
- (c) For the purposes of Subsection (b)(ii), when road conditions allow, safe distance is at least:
 - (1) Three feet if the operator's vehicle is a passenger car or light truck; or
 - (2) Six feet if the operator's vehicle is a truck, other than a light truck, or a commercial motor vehicle, as defined by Texas Transportation Code Section 522.003.
- (d) An operator of a motor vehicle that is making a left turn at an intersection, including an intersection with an alley or private road or driveway, shall yield the right-of-way to a vulnerable road user who is approaching from the opposite direction and is in the intersection, or is in such proximity to the intersection as to be an immediate hazard.
- (e) An operator of a motor vehicle may not overtake a vulnerable road user traveling in the same direction and subsequently make a right-hand turn in front of the vulnerable road user unless the operator is safely clear of the vulnerable road user, taking into account the speed at which the vulnerable road user is traveling and the braking requirements of the motor vehicle making the right-hand turn.
- (f) An operator of a motor vehicle may not maneuver the vehicle in a manner that:
 - (1) Is intended to cause intimidation or harassment to a vulnerable road user; or
 - (2) That threatens a vulnerable road user.
- (g) An operator of a motor vehicle shall exercise due care to avoid colliding with any vulnerable road user on a roadway or in an intersection of roadways.
- (h) It is an affirmative defense to prosecution under this Section that, at the time of the offense, the vulnerable road user was acting in violation of the law.

(Ord. No. 420, §2, 11-09-2009; Ord. No. 443, §2, 02-10-2011)

Sec. 86-23. Street Names.

- (a) On the hereinafter designated street, or portion thereof, the City Council of the City renames such streets to:

<u>Existing Street Name</u>	<u>New Designation</u>
Antonio Road	Antonio Drive, from its northern intersection with Iron Horse Way to its southern intersection with F.M. 1560.
Antonio Drive	Iron Horse Way, from its western intersection with Iron Horse Way and Antonio Drive to its eastern intersection with F.M. 1560.

(Ord. No. 426 §1, 03-11-2010; Ord. No. 443, §2, 02-10-2011)

Sec. 86-24. Operation of golf carts.

- (a) *Definitions.* The terms “golf cart” and “public highway” shall have the meanings assigned to them within Texas Transportation Code, Title Seven Vehicles and Traffic, Subtitle A Certificates of Title and Registration of Vehicles, Chapter 502 Registration of Vehicles, Subchapter A General Provisions.
- (b) *Operation within the City.* The operation of a golf cart is expressly authorized on all public highways and municipal streets located within the Old Town Helotes Special District, including portions of Old Bandera Road, Riggs Road, Floore Drive, Scenic Loop Road, and Antonio Drive within the District. The operation of a golf cart is expressly authorized on all public or private streets located within Single-family Residential (R-1) districts within the City. An operator of a golf cart shall yield the right-of-way to all vehicular traffic.
- (c) *Required equipment.* A golf cart operated within the City must have the following equipment installed on the golf cart:
- (1) Headlamps;
 - (2) Tail Lamps;
 - (3) Reflectors;
 - (4) Parking Brake; and
 - (5) Rearview Mirrors.
- (d) *Insurance.* All golf carts operating within the City shall be insured for bodily injury and property damage liability in the following minimum amounts: \$25,000.00 per person / \$50,000.00 per occurrence / \$15,000.00 property damage. All golf carts shall carry evidence of required insurance which shall be presented upon demand to law enforcement personnel.
- (e) *Driver’s License.* Any person operating a golf cart within the City shall have a valid Texas driver’s license or a driver’s license issued by their state of residence.

(Ord. No. 452, §1, 8-11-2011; Ord. No. 467, 04-12-2012)

Secs. 86-25 - 86-30. Reserved.

ARTICLE III. PARKING

Sec. 86-31. Prohibited parking generally.

- (a) *Wrecked, damaged or junked vehicles.* No wrecked, damaged, junked or broken down automobile vehicle of any kind shall ever be parked, placed or left in any street, alley, or public right-of-way within the city at any time.
- (b) *Parking for more than 24 hours; parking for certain purposes prohibited; parking of certain vehicles prohibited.* It shall be unlawful for any person to park unused vehicles of any kind in any street or public place for more than 24 hours, or at any time for the purpose of storage, washing, greasing or repairing such vehicle (except repairs necessitated by emergency), sale, or display of advertising signs or posters fixed to such vehicle, or any trailer, semi-trailer, horse trailer, boat trailer, not attached to a tractor or towing vehicle, or any autobus, motor home or camper.
- (c) *Blocking driveway.* No automotive vehicle shall be parked in any manner which will block or impede free vehicular ingress and egress to all public and private driveways opening into any street, alley, or public right-of-way in the city.
- (d) *Towing of illegally parked vehicles.* The city may have any vehicle illegally parked under this chapter for a period of more than 24 hours towed away and/or impounded and keep same until the owner, or his agent, pays all towing and storage charges and all fines and court costs adjudged against said owner (or his agent) in connection with such parking offense.
- (e) *Parking near fire hydrant.* No parking is permitted within 15 feet in any direction of a fire hydrant.

(Ord. No. 258, § 2(L(1)), 8-12-2004)

Sec. 86-32. Manner of parking; "no parking" signs adopted.

- (a) No person shall stand or park a motor vehicle of any kind in a street or thoroughfare within the city where standing and parking are permitted other than parallel with the edge of the roadway, headed in the lane and direction of lawful traffic movement. Off roadway parking only will be permitted in residential areas. Head-in parking will be permitted in areas that are designated as such (Old Bandera Road, Riggs Road at the Catholic Church and school).
- (b) All traffic control devices situated on the streets and thoroughfares bearing or including the words "No Parking," in lettering plainly visible for a distance of 100 feet, set along the street upon which such signs are situated, are hereby adopted as official traffic control devices.

(Ord. No. 258, § 2(L(2)), 8-12-2004)

Sec. 86-33. Prima facie case defined.

When any person is charged with having parked or left standing a vehicle on any street in the city at a place on said street where parking of vehicles is prohibited or with parking such vehicle on said street in a manner which violated the manner of parking of a vehicle as designated or with parking such vehicle for a length of time in excess of that allowed in the space where said vehicle was parked, proof that said vehicle was, at the date of the offense alleged, owned by the person charged with the offense, shall constitute prima facie evidence that said vehicle was parked or left standing at the place charged by said owner, but the owner shall have the right to introduce evidence to show that said vehicle was not parked by him as charged in the complaint. (Ord. No. 258, § 2(L(3)), 8-12-2004)

Sec. 86-34. No parking zones.

The following locations are designated as "no parking zones." All traffic control devices shall bear or include the words "No Parking" as set out in section 86-32.

Riggs Road (east side) in the 13800 block. Posted hours are 7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m., school days only.

Riggs Road (west side) in the 13800 block. Posted hours are 7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m., school days only.

(Ord. No. 258, § 2(L(4)), 8-12-2004)

Sec. 86-35. Oversized vehicles.

(a) *Definitions.* For purposes of this section:

Municipal street means the entire width of a way held by the city in fee or by easement or dedication that has a part open for public use for vehicular travel. The term does not include a designated state or federal highway or road or a designated county road. (Reference V.T.C.A., Transportation Code § 316.001.)

Oversize vehicle means a motor vehicle, trailer, or boat which, by itself or together with other structure(s) or vehicle(s) attached to it, exceeds 24 feet in length, eight feet in width, or eight feet in height, exclusive of apparatus such as antennas, luggage racks, and mirrors.

(b) *On-street parking prohibited in certain districts.* It shall be unlawful for any person owning or having control of any oversized vehicle as defined in subsection (a) of this section to park the same upon any municipal street within the PD pre-development district, R-1 single-family residential district, R-2 two-family residential district, or R-3 mobile home residential district at any time. Provided, this section shall not apply to the parking of such vehicles for such time as actually necessary to load or unload passengers, freight or merchandise.

(c) *Penalty.* Any person who violates any provision of this section is guilty of a misdemeanor and shall upon conviction be subject to a fine of not less than \$35.00 and not more than \$200.00. Each day that a violation occurs constitutes a separate offense.

(Ord. No. 227, §§ 1--3, 1-23-2003)

Secs. 86-36 - 86-40. Reserved.

ARTICLE IV. HOUSE MOVING

Sec. 86-41. General regulations.

Business or residence structures, either new or old, that are originally constructed on the site of the premises upon which the same are to be located shall not be moved into or within the limits of the city except as hereinafter permitted.

(1) To move any such structure into or within the city shall require the following:

- a. A preliminary inspection fee shall be paid to the City and the Building Inspector shall then inspect the structure to be moved and determine whether or not the structure and its intended location and use thereon fully comply with the provisions of all applicable Code provisions. The fee for said permit shall be as prescribed in

the most recent adopted fee schedule passed and approved by the City Council. The fee shall be non-refundable. (Ord. No. 258, §2(M(1)), 8-12-2004; Ord. No. 368, §1(Ex. A), 9-11-2008; Ord. No. 394, §9, 2-12-2009)

- b. If thus approved, a final permit fee shall be paid within 60 days after the granting of such preliminary approval, and security shall be posted as hereinafter provided. The fee for said permit shall be as prescribed in the most recent adopted fee schedule passed and approved by the City Council. The fee shall be non-refundable. (Ord. No. 258, §2(M(1)), 8-12-2004; Ord. No. 368, §1(Ex. A), 9-11-2008; Ord. No. 394, §9, 2-12-2009)
 - c. Before such permit may be issued, the applicant shall furnish security in the amount of \$1,000.00 conditioned upon completion of all work necessary to the construction of a foundation and the moving and installation thereon of such structure within 90 days of issuance of final permit, such security to be filed with the city.
 - d. Such surety may be either in the form of a deposit in cash or of United States "bearer" bonds or a surety bond payable to the city. If a surety bond is submitted, it shall be in form approved by the city attorney, issued by a company authorized to do such business in Texas, and shall name an agent in Bexar County to receive notices and upon whom service may be had. Such security shall be furnished conditioned upon completion of all work upon such relocated building necessary to bring it into compliance with the applicable codes and ordinances of the city within 90 days of issuance of the permit described in subsections b. and c.
 - e. The amount of said security is the minimum liquidated damages payable to the city for failure to comply with this section, it being recognized that the damages to the city and public occasioned by such failure will be difficult of determination and that the sum named has been agreed to as the minimum amount of such damages. The building inspector shall have periodic inspections made of the relocated building to determine whether the building has been brought into compliance with applicable codes and ordinances. When completed, the officer shall notify the city to release the security required hereby. If such work is not completed within 90 days after the permit was issued, the city shall notify the city attorney whenever any person shall have failed to perform the work, performance of which is the condition of the security required herein above. Thereupon the city attorney shall prepare an appropriate ordinance or resolution for submission to the city council declaring forfeited the security furnished pursuant thereto.
 - f. If the requirements of subsections a., b., c. above are met within 60 days from the date of original application, then the city shall issue to applicant a permit to move the structure into or within the limits of the city. Such moving permit shall only be issued upon the condition that the improvements sought to be moved shall be placed upon the designated premises and completed for occupancy, with final inspection and certificate of occupancy finished all within 90 days of the date of said permit. This time may only be extended by majority vote of the council upon showing of good cause existing for such extension and after a public hearing.
- (2) Upon the issuance of moving permit, the city shall issue a building permit to the applicant to commence the foundation for the structure, and the further work on said premises shall continue in the same manner as provided for all structures under the building code.
 - (3) In the event that applicant fails to complete said improvements within the 90-day period, or extension thereof, as provided above, or fails to comply with any other provision

herein, then such failure shall constitute a violation of this article, punishable by fine. Each day such violation continues is hereby declared to be a separate offense.

(Ord. No. 258, §2 (M(1)), 8-12-2004; Ord. No. 368, §1 (Exhibit A) 9-11-2008)

Sec. 86-42. Small structures.

- (a) The provisions contained in section 86-41 shall not apply to structures of 100 square feet or less in size.
- (b) Structures of 100 square feet or less shall not be moved into the city limits and relocated therein except upon compliance with the following regulations:
 - (1) A permit will be obtained prior to the time the structure is moved into the city limits or the foundation is built to cover:
 - a. Inspection of the site and foundation for relocation;
 - b. Issuance of a permit (if approved); and
 - c. Inspection of the building and site after relocation.
 - (2) If such structure is approved for any use other than dry storage, or the like, a building permit shall also be taken out in addition, as otherwise prescribed in this Code, and such additional fees shall be paid and such additional inspections made as thus required.
 - (3) After said permit is initially obtained, such structure shall be moved into the city, the foundation built, and installation completed in 90 days of the date thereof, or the same shall become null and void and a new permit and fee shall be required.

(Ord. No. 258, §2 (M(2)), 8-12-2004)

Secs. 86-43--86-50. Reserved.

ARTICLE V. PARADES AND PUBLIC GATHERINGS

Sec. 86-51. Definitions.

City means the City of Helotes, Texas.

Extreme Sporting Event means any sporting event perceived as having a high level of inherent danger. Such events typically involve a high level of speed, height, physical exertion, highly specialized gear, or spectacular stunts. The definition of an extreme sporting event is not exact; however, an extreme sporting event shall include, but not be limited to, bull riding, motocross, vehicular racing, et cetera.

Parade means any parade, event, demonstration, march, ceremony, show, exhibition, assemblage, extreme sporting event, pageant or procession of any kind, or any similar display in or upon any public street, public park, or other public place or public way in the City or gatherings of twenty-five (25) or more people on private property in the City for any like or similar activity, either of which may reasonably require and necessitate special traffic control and/or rerouting, special police protection, and/or crowd control or other prior planning and which is organized for a common purpose, theme, or cause. The term *parade* shall also include any event on public or private property with an estimated attendance of three hundred (300) persons or more.

Parade permit means a permit required by this Article.

Person means any person, firm, partnership, association, corporation, company or organization of any kind.

Public nuisance means any unauthorized parade or gathering for which a permit is required and has not been obtained.

Road closure means closing a highway or street or portion of a highway or street to all vehicular traffic, except for parade participants, for the duration of a parade.

(Ord. No. 258, §2 (N(1)), 8-12-2004; Ord. No. 369, §1, 9-25-2008; Ord. No. 448, §1, 06-23-2011)

Sec. 86-52. Permit required; exceptions.

No person shall engage in, participate in, aid, form or start any parade, unless a parade permit shall have been obtained from the City, with the approval of the Chief of Police, Fire Chief, Mayor, and City Administrator. Unauthorized parades are declared by the City to be a public nuisance and a threat to the health, safety, and welfare of the public. All unauthorized parades will be disbursed or abated by the municipal Police Department. This Article shall not apply to:

- (1) Funeral processions;
- (2) Students going to and from school, classes, or participating in educational and other extracurricular activities, providing such conduct is under the immediate direction and supervision of the authorized and proper school authorities;
- (3) A governmental agency or a political subdivision of the State acting within the scope of its functions;
- (4) A private music venue that is operating within the scope of its normal business activities and in compliance with all local, State, and Federal laws; and
- (5) A private church or religious organization that is operating within the scope of its normal business activities and in compliance with all local, State, and Federal laws.

(Ord. No. 258, §2 (N(2)), 8-12-2004; Ord. No. 369, §1, 9-25-2008; Ord. No. 448, §1, 06-23-2011)

Sec. 86-53. Application for permit.

- (a) *Filing.* A person seeking issuance of a parade permit shall file an application with the City not less than fifteen (15) days, nor more than one hundred twenty (120) days, before the date on which it is proposed to conduct the parade.
- (b) *Contents.* The application for a parade permit shall set forth the following information:
 - (1) Name, address, and telephone number of the person seeking to conduct the parade.
 - (2) If the parade is proposed to be conducted for or on behalf of an organization, the name, address, and telephone number of the headquarters of the organization and of the authorized and responsible person who will be the parade chairman and who will be responsible for its conduct.
 - (3) The date when the parade is to be conducted.
 - (4) The location of the parade or the route, if applicable, to be traveled, including the starting point and the termination point.
 - (5) The approximate number of persons who, and the animals and vehicles which, will constitute such parade, including daily attendees; the type of animals and description of the vehicles.

- (6) The hours when such parade will start and terminate.
 - (7) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed, any public right-of-way, and whether road closures are required.
 - (8) If the parade is designed to be held on behalf of or for any person other than the applicant, the applicant shall file a statement in writing from the person authorizing the applicant to apply for the permit on his behalf.
 - (9) Medical and evacuation plans, as prescribed and in a format approved by the Fire Chief or designee, must be submitted with the application.
 - (10) A security plan, as prescribed and in a format approved by the Chief of Police or designee, must be submitted with the application.
 - (11) For extreme sporting events, a contract with a State licensed transport provider in compliance with the Texas Health and Safety Code, Chapter 773, and the Texas EMS Act for, at a minimum, one (1) on-site ALS ambulance responsible for medical treatment and transport for event participants for the duration of the extreme sporting event must be submitted with the application.
 - (12) Any additional information the City shall find reasonably necessary for a fair determination as to whether a permit should be issued.
- (c) *Fee.* A fee shall be paid at the time of filing the application for a parade permit. The fee for said permit shall be as prescribed in the most recent adopted fee schedule passed and approved by the City Council. The fee shall be non-refundable.
- (Ord. No. 258, §2 (N(3)), 8-12-2004; Ord. No. 448, §, 06-23-2011)

Sec. 86-54. Standards for issuance of permit.

The City shall issue a permit, as provided for hereunder, upon the approval of the Chief of Police, Fire Chief, Mayor, and City Administrator when, from a consideration of the application and from such other information as may otherwise be required and obtained, City Staff finds that:

- (1) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route or site.
- (2) The conduct of the parade will not require the diversion of so great a number of emergency services personnel or resources of the City to properly police the line of movement and the areas contiguous thereto as to prevent normal emergency service protection to the City.
- (3) The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the City other than that to be occupied by the proposed parade and areas contiguous thereto.
- (4) The concentration of persons, animals, and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas.
- (5) The conduct of such parade will not interfere with the movement of emergency vehicles responding to emergencies.
- (6) The conduct of the parade is not reasonably likely to cause injury to persons or property, provoke disorderly conduct, or create a disturbance.

- (7) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route.
- (8) The parade is not to be held for the sole purpose of advertising or sale of any product, goods, or services.

(Ord. No. 258, §2 (N(4)), 8-12-2004; Ord. No. 448, §1, 06-23-2011)

Sec. 86-55. Decision on permit; notice of disapproval of permit.

City Staff shall act upon the application for a parade permit within five (5) days after the filing thereof. City Staff will forward the application to the Mayor for final action. If the City disapproves the application, it shall mail to the applicant, within ten business days after the date upon which the application was filed, a notice of such action, stating the reasons for the denial of the permit. (Ord. No. 258, § 2(N(5)), 8-12-2004; Ord. No. 448, §1, 06-23-2011)

Sec. 86-56. Appeal of denial of permit.

- (a) Any person aggrieved shall have the right to appeal the denial of a parade permit to the City Council.
- (b) The appeal must be submitted within ten business days after notice of denial. The City Council shall act upon the appeal within thirty (30) days after receipt.

(Ord. No. 258, § 2(N(6)), 8-12-2004; Ord. No. 448, §1, 06-23-2011)

Sec. 86-57. Alternate permit.

The City, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within ten business days after notice of the action of the City, file a written notice of acceptance of the alternate permit with the City Secretary. An alternate parade permit shall conform to the requirements of and shall have the effect of a parade permit under this Article. (Ord. No. 258, §2 (N(7)), 8-12-2004; Ord. No. 448, §1, 06-23-2011)

Sec. 86-58. Notice to city officials of issuance of permit.

Immediately upon the issuance of a parade permit, the City shall send a copy thereof to the following:

- (1) The Police Department.
- (2) The Fire Department.
- (3) The Mayor and each Councilperson.
- (4) The City Administrator.

(Ord. No. 258, §2 (N(8)), 8-12-2004; Ord. No. 448, §1, 06-23-2011)

Sec. 86-59. Contents of permit.

Each parade permit shall state the following information:

- (1) Starting and ending dates and times.
- (2) Minimum and maximum speeds, if applicable.

- (3) Maximum interval of space, if applicable, to be maintained between the units of the parade.
- (4) The portions of the streets or public right-of-way to be traversed that may be occupied by the parade.
- (5) The maximum length of the parade in miles or factions thereof, if applicable.
- (6) Such other information as the City shall find necessary for the enforcement of this Article.

(Ord. No. 258, §2 (N(9)), 8-12-2004; Ord. No. 448, §1, 06-23-2011)

Sec. 86-60. Duties of permittee; possession of permit.

A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances. The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade. (Ord. No. 258, § 2(N(10)), 8-12-2004; Ord. No. 448, §1, 06-23-2011)

Sec. 86-61. Public conduct during parades.

- (a) No person shall unreasonably hamper, obstruct, impede or interfere with any parade assembly or with any person, vehicle or animal participating or used in a parade.
- (b) If applicable, no driver of any vehicle whatsoever shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

(Ord. No. 258, §2 (N(11)), 8-12-2004; Ord. No. 448, §1, 06-23-2011)

Sec. 86-62. Parking on parade route.

The City shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street or highway or part thereof constituting a part of the route of a parade or event location. The City shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street in violation of this Section where prohibited or restricted parking is not visibly posted. (Ord. No. 258, § 2(N(12)), 8-12-2004; Ord. No. 448, §1, 06-23-2011)

Sec. 86-63. Revocation of permit.

The Mayor shall have the authority to revoke a parade permit issued hereunder upon a declaration of public emergency involving a serious threat to the health, safety, and welfare of the public; or upon a finding of a material change in circumstances in the standards for issuance of the permit as set forth in Sec. 86-54. Revocation of a parade permit may be appealed in the manner provided by Sec. 86-56. (Ord. No. 258, §2 (N(13)), 8-12-2004; Ord. No. 369, §1, 9-25-2008; Ord. No. 448, §1, 06-23-2011)

ARTICLE VI. VEHICLE IMPOUNDMENT

Sec. 86-100. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Currently operable condition means presently capable of being lawfully operated on the streets and highways of this State; being currently registered with proper license plates displayed; having a current safety inspection; and being in running condition without the necessity of first being repaired such as, but not limited to, the inflating of tires or charging of the battery.

Hook-up shall mean the completed connection of chain hooks or the tie-down of wheels to a wheel lift, completing the connection of the tow truck to the vehicle to be towed, not to include the actual lifting of the vehicle to be towed.

Place maintained by any governmental entity means and includes, but is not limited to, a street, alley, highway, park or public parking area including the grounds of a public school.

State of good repair means the absence of such items as broken glass, substantial body damage (including, but not limited to, crushed or missing fenders, body panels, doors, hoods, or trunk deck) or missing parts otherwise necessary for operable condition.

Tow service shall mean a person engaged in the business of a wrecker or towing service, whereby motor vehicles are towed or otherwise removed at the direction of officers of the City Police Department by the use of a wrecker or motor vehicle designed for that purpose.

Vehicle means and includes a motor vehicle, trailer, wagon, boat or other similar item.

Vehicle storage facility means the City's designated vehicle impoundment lot.

Wrecked motor vehicle shall mean a motor vehicle not capable of, or safe for, self-propulsion.

Sec. 86-101. Authority to impound vehicles.

- (a) Any vehicle in violation of this Article or the laws of the State of Texas may be towed to the City's Impound Lot.
- (b) Vehicles Constituting a Public Nuisance. The Police Chief or any Helotes police officer employed or contracted by the City may take into custody and impound any vehicle constituting a public nuisance.
- (c) A motor vehicle may be impounded, with or without citation, without giving notice to its owner under the following circumstances:
 - (1) When the vehicle is impeding, or is likely to impede, the normal flow of vehicular or pedestrian traffic;
 - (2) When, in the police officer's judgment, the vehicle poses an immediate danger to the public safety;
 - (3) When a Helotes police officer or other agent authorized by the City has probable cause to believe that the vehicle constitutes evidence of a crime or contains evidence of a crime, if impoundment is reasonably necessary to obtain or preserve such evidence;
 - (4) When the person driving, operating, or in physical control of the vehicle is taken into custody and the vehicle is impounded for safe keeping;
 - (5) When the vehicle is parked in a handicap zone when said vehicle does not properly display a handicapped parking permit;

- (6) When the vehicle is parked in the right-of-way of the public roadways of the City, when such rights-of-way have signs posted in accordance with applicable State Law stating that parking is prohibited in such rights-of-way; and
 - (7) When the vehicle is obstructing municipal emergency equipment.
 - (8) When the vehicle is stopped by a police officer for an alleged violation of a City or State traffic law or other law applicable to the operation of a vehicle on the roadway and the vehicle's owner or operator fails to show evidence of financial responsibility, as required under Chapter 601 of the Texas Transportation Code, as amended.
- (d) *Unattended vehicles in public places.* No person shall allow a vehicle to remain unattended in any place maintained by any governmental entity for a period of time in excess of forty-eight hours. A peace officer or other City official designated to enforce parking laws and regulations may take into custody any vehicle found to be in violation of this Subsection. Prior to taking a violating vehicle into custody, a notice of violation shall be securely attached to the vehicle for a minimum of forty-eight hours, specifying the violation, the date, the approximate time, and the location of the violation.
- (e) No person shall park or allow a vehicle to remain in any place maintained by any governmental entity unless such vehicle is currently in operable condition or in a state of good repair. A peace officer or other City official designated to enforce parking laws and regulations may take into custody any vehicle found in violation of this Subsection.

Sec. 86-102. Notice of impoundment.

Within five (5) business days after a vehicle has been impounded, the Chief of Police shall send written notice to the owner of the impounded vehicle at his or her last known address, as shown by the records of the Department of Public Safety. If the owner is unknown to the Chief of Police or an address cannot be found, the Chief of Police shall publish, at least once in the City's official newspaper, notice of the impoundment, the license number of the vehicle, the motor vehicle number of the impounded vehicle, and the name and type of vehicle impounded.

Sec. 86-103. Release of impounded vehicle.

Any motor vehicle towed and impounded may be claimed or recovered after payment to the City of all Impound Fees.

- (a) Release to owner. Impounded motor vehicles shall be released by the Police Department or the operator of the Police Department's vehicle storage facility, after payment is made of any towing or storage charges or fees, and only upon receipt of one (1) of the following:
 - (1) Submission of certificate of title or other satisfactory proof that the person applying for the release is the owner of the vehicle.
 - (2) Submission of the certificate of title and of a current power of attorney duly executed by the owner requesting release to the person named therein and presenting same.
- (b) Release of impounded vehicle to lienholder. A motor vehicle which has not been claimed by the owner after ten (10) days of impoundment (including the day the vehicle arrived at the storage facility) and after the mortgage note is thirty (30) days delinquent, shall be released to the claimant identifying himself as lienholder or agent of the lienholder named on the certificate of title upon the submission of a surety bond from a city licensed corporate surety firm which shall indemnify, save and hold harmless the city from all damage, liability, costs, attorney's fees, expenses, actions, judgments and special proceedings that may arise, accrue or be brought

against the city by reason of releasing the vehicle to the bonded vehicle claimant, up to the amount of the bond, and upon payment of towing charges and storage fees.

- (c) The terms "motor vehicle," "lien," "owner," "mortgagee," "mortgagor," and "certificate of title" used herein shall have the same meanings as defined in Vernon's Ann. Civ. St. art. 6687-1.
- (d) Nothing herein shall prevent the release of any motor vehicle by any person upon the service of an order or judgment directing such release by a court of competent jurisdiction.

Sec. 86-104. Sale of vehicle.

If, after the expiration of sixty (60) days after mailing or publishing required notices, the vehicle is not redeemed by the owner or the owner's agent, the City shall proceed to sell the impounded vehicle at public auction after first giving at least twenty (20) days' notice of such sale by publication in the City's official newspaper of the time and place of the sale. The notice shall describe the vehicle to be sold, with reasonable certainty, by manufacturer's trade name or make, motor vehicle number, license number, and any other identifying information, and the notice shall state to whom, if anyone, the records of the Department of Public Safety show the car belongs and, if the name of the owner is unknown, that fact shall be stated in the notice. If the name of the owner is known, the City shall send that person a copy of the published notice immediately after publication of the notice. The City shall credit any money it receives after the sale to the City's general fund. At any time within one (1) year after the sale, if the former owner of the vehicle which has been sold appears, upon application to the City Council and presentation of satisfactory proof that the person was the owner of the vehicle sold, that person shall be paid the proceeds of such sale, less the necessary expenses thereof, and less applicable towing, impounding, and storage charges.

Sec. 86-105. Fees

All fees shall be paid at the time the vehicle is released. The fees shall be as prescribed in the most recent adopted Fee Schedule, Section K, Impound Fees, as amended by the City Council.

Sec. 86-106. Towing Company.

The City may remove, or contract with one or more towing companies to remove, a vehicle in accordance with this Article. The City, its agents, and its employees shall not be responsible for any damage to the vehicle during towing and impoundment under this Article or State Law.

(Ord. No. 397, §§1-7, 3-12-2009; Ord. No. 555, §1, 1-22-2015)

Chapters 87 - 89. Reserved.